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10/688,237

10/18/2003

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EXAMINER

GOMA, TAWFIK A

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/688,237	Applicant(s) HALLOUSH ET AL.	
	Examiner Tawfik Goma	Art Unit 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This action is in response to the RCE filed on 3/27/2007.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8-10, 12, 14, 15, 17, 18, and 20 rejected under 35 U.S.C. 102(b) as being anticipated by Shimoda (US 6381202).

Regarding claim 1, Shimoda discloses an information handling system comprising: information processing components operable to generate information for storage (30, fig. 3); an optical drive interfaced with the processing components and operable to accept the information for storage and to write the information to an optical medium according to a write strategy having a write speed (fig. 3 and col. 3 lines 37-60); a write strategy table associated with the optical drive and having plural optical medium identification codes, each optical medium identification code having an associated write strategy (fig. 7 and col. 8 lines 52-57); a general write strategy table associated with the optical drive and having plural preassigned optical medium identification codes, each preassigned optical medium identification code associated with one of plural general write strategies (fig. 1 and col. 8 lines 43-51); a write strategy module operable to read an optical medium identification code from an optical medium and to provide the optical drive with the associated write strategy (19, 30, fig. 3), the write strategy module

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further operable to read a preassigned optical medium identification code and to provide the optical drive with the associated general write strategy (s9, fig. 9 and col. 8 lines 43-51).

Regarding claim 2, Shimoda further discloses a generic write strategy associated with unknown optical medium identification codes, wherein the write strategy module is further operable to read an unknown optical medium identification code and to provide the optical drive with the generic write strategy associated with unknown identification codes (fig. 8 and col. 8 lines 58-65).

Regarding claim 3, Shimoda further discloses wherein each preassigned optical medium identification code is preassigned by optical media manufacturer and associated with a write strategy for writing information with the optical disc drive to an optical medium of the optical media manufacturer (s4, fig. 9 and col. 6 lines 11-22).

Regarding claim 4, Shimoda further discloses wherein each preassigned optical medium identification code is associated with an optical medium identification code of the write strategy table (fig. 1).

Regarding claim 6, Shimoda further discloses wherein the optical medium identification codes comprise ATIP start codes (fig. 5).

Method claims 8, 9, and 14 are drawn to the method of using the corresponding apparatus claimed in claims 1,2 and 6 respectively. Therefore method claims 8, 9 and 14 correspond to apparatus claims 1,2 and 6, and are rejected for the same reasons of anticipation as applied above.

Regarding claim 10, Shimoda further discloses reading an optical medium

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identification code from an optical medium with the optical disc; determining that the optical medium identification code is a preassigned optical medium identification code; and writing information to the optical medium with the general write strategy associated with the preassigned optical medium identification code (fig. 9).

Regarding claim 12, Shimoda further discloses preassigning identification codes by optical media manufacturer (s4-5, fig. 9, col. 5 lines 64-67 thru col. 6 lines 1-10); and associating one or more write strategy parameters with a preassigned optical medium identification code according to a time stamp appended to the identification code (fig. 5).

Regarding claim 15, Shimoda discloses a method for configuring an optical disc drive to write information to optical media, the method comprising: preassigning optical medium identification codes to optical media manufacturers (fig. 4); associating design parameters of a planned optical media with the preassigned optical medium identification codes (s10, fig. 9 and fig. 6); communicating the preassigned optical medium identification codes and associated design parameters to optical disc drive manufacturers (col. 1 lines 36-53 and col. 4 lines 66-67 thru col. 5 lines 1-3); building optical disc drives to recognize the preassigned optical medium identification codes and write information with general write strategies according to the design parameters (fig. 3); releasing optical media having the preassigned optical medium identification codes (col. 10 lines 6-19); and writing information from an optical disc drive to the released optical media with the general write strategy associated with the preassigned optical medium identification code (s10, fig. 9 and col. 8 lines 43-51).

Regarding claim 17, Shimoda discloses wherein the design parameters comprise similarities with one or more existing optical medium of the manufacturer (fig. 6 and fig. 7).

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Regarding claim 18, Shimoda discloses everything regarding the optical disc apparatus (see claim 1). Shimoda further discloses wherein at least one optical medium identification code comprises a preassigned optical medium identification code associated with an optical medium planned for development at the time of manufacture of the optical disc drive, the planned optical medium having design parameters (col. 10 lines 6-20). Shimoda discloses that the preassigned information is used when the parameters have not been standardized at the time when the apparatus was manufactured, therefore they are for a planned optical disk.

Regarding claim 20, Shimoda discloses wherein the preassigned optical medium identification code is preassigned by optical medium manufacturer and wherein the design parameters relate to an existing optical medium of the optical medium manufacturer (s10, fig. 9 and col. 6 lines 46-67 thru col. 7 lines 1-14).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7, 11, 13, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimoda (US 6381202) in view of Matsumoto (US 2002/0105874).

Regarding claims 5, 11, 13, 16 and 19, Shimoda fails to disclose wherein each preassigned optical medium identification code general write strategy comprises a write speed and wherein the optical drive writes the information at the lesser of the write speed or the maximum speed of the optical drive. In the same field of endeavor, Matsumoto discloses a

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method of recording data wherein the write strategy comprises a write speed (fig. 5 and fig. 7), and the drive writes the information at the lesser of the write speed or the maximum speed of the optical drive (fig. 8). Matsumoto discloses that a CAV recording method is used until the maximum recording velocity of the drive is exceeded, and the maximum velocity is used when it is exceeded by the CAV method. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the recording system disclosed by Shimoda to use a write speed parameter and to limit the write speed at the maximum allowable write speed as taught by Matsumoto. The rationale is as follows: One of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a recording velocity parameter in order to optimize recording based on the type of recording medium. Furthermore, one of ordinary skill in the art would have been motivated to record at the lower of the max speed and the selected speed in order to not exceed the limitations of the drive.

Regarding claim 7, Shimoda fails to disclose wherein the optical disc drive comprises a DVD disc drive. Shimoda discloses that DVD disc drives are common in the art (col. 1 lines 12-16). In the same field of endeavor, Matsumoto discloses a DVD disk drive (par. 123). It would have been obvious to one of ordinary skill in the art to modify the device disclosed by Shimoda by using a DVD disk. The rationale is as follows: One of ordinary skill in the art at the time of the applicant's invention would have been motivated to use a DVD disk drive as DVD disks were a common media type at the time.

#### ***Response to Arguments***

Applicant's arguments filed 2/26/2007 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features

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of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the preassigned codes are for planned optical media in development by a manufacturer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Shimoda discloses providing preassigned optical medium identification codes (s9, fig. 9 and col. 8 lines 43-51) used for a general write strategy as claimed. Note that these arguments have already been responded to in an Advisory Action mailed on 3/13/2007, and applicant has not presented any new arguments or amendments to the claims.

### ***Conclusion***

This is a RCE of applicant's earlier Application No. 10/688237. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however,




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event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
T. Goma  
4/27/2007

  
TAN DINH  
PRIMARY EXAMINER

4/27/07